

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL DANIEL LINAREZ-  
RODRIGUEZ,

Plaintiff,

v.

RYAN RAYOME,

Defendant.

No. 2:22-cv-1692 DC CSK P

ORDER AND PROTECTIVE ORDER

Plaintiff, a Butte County Jail inmate, is proceeding pro se and in forma pauperis. On September 9, 2024, counsel for defendant was ordered to submit a proposed protective order governing plaintiff's viewing of the video footage of the incidents at the Butte County Jail, and plaintiff was ordered to complete the subpoena form and submit it to the Court along with his renewed motion for subpoena. (ECF No. 79.) Both parties have responded to the September 9, 2024 order. (ECF Nos. 80, 81.)

I. Plaintiff's Renewed Request for Subpoena

Plaintiff's request to view video footage related to plaintiff's allegations at issue herein is granted. Plaintiff is authorized to view the Butte County Jail video footage involving plaintiff for the following dates and times: August 17, 2022, 12:00 a.m. - 4:30 a.m.; August 18, 2022 8:30 a.m. - 11:00 a.m.; and August 20, 2022 8:00 a.m. - 11:00 a.m. Plaintiff shall be allowed to take notes while viewing the video footage.

1 Plaintiff incorrectly completed the proper federal court form, and also provided a state  
2 court subpoena form. (ECF No. 80 at 2, 8-10.) In the interest of judicial economy, the Court has  
3 completed the accompanying subpoena form and directs the Clerk of the Court to issue the  
4 subpoena and orders the U.S. Marshal to serve the subpoena on Lt. Jarrod Agurkis, Butte County  
5 Jail, 7 Gillick Way, Oroville, CA 95965, along with a copy of this Order and Protective Order.  
6 While the Court would appreciate jail staff's efforts to allow plaintiff to view the video footage as  
7 soon as practical, the viewing should take place no later than November 15, 2024.

8 In order to facilitate plaintiff's viewing of the video footage, the Clerk is directed to serve  
9 a copy of this Order and Protective Order and the issued subpoena to Lt. Jarrod Agurkis, Butte  
10 County Jail, 7 Gillick Way, Oroville, CA 95965.

11 II. Protective Order

12 The Court finds that it is appropriate to issue a protective order governing plaintiff's  
13 viewing and the parties' use of the relevant video footage to protect the privacy of those  
14 nonparties who may be included in the video footage. Therefore, the parties are obligated to  
15 comply with the protective order governing such disclosure, as set forth below.

16 III. Conclusion

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. Plaintiff's request for subpoena (ECF No. 80) is granted;
- 19 2. The Clerk of the Court is directed to issue the accompanying subpoena and forward  
20 the subpoena, along with a copy of this Order and Protective Order, to the U.S.  
21 Marshal for service;
- 22 3. The U.S. Marshal shall serve the subpoena on Lt. Jarrod Agurkis, Butte County Jail, 7  
23 Gillick Way, Oroville, CA 95965, along with a copy of this Order and Protective  
24 Order; and
- 25 4. The Clerk of the Court shall mail a copy of this Order and Protective Order and a copy  
26 of the issued subpoena to Lt. Jarrod Agurkis, Butte County Jail, 7 Gillick Way,  
27 Oroville, CA 95695.

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Further, IT IS ORDERED that plaintiff's viewing and the parties' use of the video footage described above is subject to the following protective order:

1. Plaintiff Raul Daniel Linarez-Rodriguez (hereinafter "plaintiff") requested the production of certain video footage from nonparty Butte County Jail, which is considered by Butte County Jail to be non-public, confidential, proprietary, and privileged information. This video footage will hereinafter be referred to as "Confidential Materials."
2. Plaintiff and defendant Ryan Rayome (hereafter "defendant") expressly agree that no person, other than them and their respective counsel, shall be allowed to examine any such designated material, until such person has complied with the provisions of Paragraph 7 of this Protective Order.
3. All information in whatever form obtained from examination of the Confidential Materials produced by Butte County Jail shall be used only in conjunction with this action and shall not be used in connection with any other lawsuit or for any other purpose whatsoever.
4. Plaintiff, defendant, their attorneys, and any experts or consultants retained by them, or their attorneys or any other party to this action or their attorneys, are expressly prohibited from disseminating, in any fashion, manner, or method, copies of the Confidential Materials, or the contents thereof, to any other person, firm, or organization not directly associated with plaintiff, defendant or their attorneys.
5. Prior to delivering any information controlled by this document to persons designated in Paragraph 4 above, the person(s) to be provided the information shall be provided with a copy of this Order and by proceeding with viewing the Confidential Materials will be deemed to have consented to the terms of this Order.
6. All Confidential Materials, or any copies of Confidential Materials, and all copies of this Protective Order executed by any and all persons receiving such Confidential Materials or arising from the examination of Confidential Materials taken by whomever and in whatever form, shall be surrendered to Butte County Jail at the

1 conclusion of this action.

- 2 7. No person who examines Confidential Materials shall disseminate orally, in writing,  
3 or by any means any information whatsoever contained therein to any person not also  
4 authorized to examine Confidential Materials under the terms of this Protective Order.
- 5 8. All portions of the depositions, moving papers, or any other pretrial written materials  
6 that refer to Confidential Materials shall be sealed by the Court to protect such  
7 information. Confidential Materials subject to this Protective Order shall not become  
8 disclosable by its use at trial, and the treatment of trial transcripts, trial motions, briefs,  
9 or other such written material that refer to Confidential Materials shall also be  
10 governed by the terms of this Protective Order.
- 11 9. Each person who examines Confidential Materials, or to whom any Confidential  
12 Materials are disseminated, hereby agrees to be subject to the jurisdiction of this Court  
13 for contempt and any other appropriate proceedings in the event of any violation or  
14 alleged violation of this Protective Order. No person shall be allowed to disclose, by  
15 any means whatsoever, any portion of any Confidential Materials, or take any notes  
16 arising therefrom, until the person to whom disclosure is to be made has:
- 17 a. Read this Protective Order in its entirety; and
  - 18 b. Signed a copy of this Protective Order signifying agreement to its  
19 provisions and consent to the jurisdiction of the Court over his or her  
20 person for any proceedings involving alleged improper disclosure.
- 21 10. Any disputes concerning the application of any provision of this Protective Order shall  
22 be heard by the Court upon written application by the aggrieved party.
- 23 11. This Protective Order and the provisions herein are without prejudice to  
24 reconsideration by the Court upon written application of any party as discovery  
25 continues.
- 26 12. The production of Confidential Materials for inspection shall not constitute a waiver  
27 of Butte County Jail's right to claim in this lawsuit hereinafter that the Confidential  
28 Materials, or any other information contained therein, contain confidential, proprietary

1 or privileged information or are otherwise non-discoverable or inadmissible. An  
2 inadvertent failure by Butte County Jail to designate discovery material as confidential  
3 shall not constitute or have the effect of a waiver of any claim that such material or  
4 any similar material is confidential.

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6 Dated: November 1, 2024

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8 CHI SOO KIM  
9 UNITED STATES MAGISTRATE JUDGE

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